

Response to Office Action of: 09/08/2005
Response Dated: 10/10/2005
Title: Torque Guarantee System And Method

App. No.: 10/770,714
Inventor: Barr et al.
Examiner: John C. Hong

REMARKS/ARGUMENTS

Restriction Requirement

The Examiner issued a restriction requirement in the present case. The Examiner has identified the claims of the present application as being directed to two patentably distinct groups:

- Group I (claims 1-45) - directed to a system for ensuring a fastener torque operation, classified in class 81; and
- Group II (claims 46-70) - directed to a method of ensuring a fastener torquing operation, classified in class 29, subclass 407.02.

In order to comply with 35 U.S.C. § 121, Applicant elects, with traverse, to prosecute Group I, claims 1-45 of the present application. Applicants' election is made without prejudice. Applicant will be entitled to consideration of claims to additional species provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

The foregoing election is made with traverse because Applicant respectfully disagrees with the Examiner's conclusion that restriction is proper in this case. The Examiner asserts that restriction is proper because the method of claims 46-70 can be practiced by an apparatus materially different from that recited in claims 1-45 - such as by hand or by an apparatus that does not require a system controller to create interlocks. Applicant respectfully disagrees with this assertion.

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As can be understood from a reading of the present application, a primary motivation for the present invention is to provide for the ability to substantially guarantee that a torquing operation is performed in the proper sequence (see, for example, paragraphs [0009] - [0011]). More particularly, there may be a number of steps that must be performed by an operator prior to and/or subsequent to the torquing of a fastener. The system and method of the present invention is designed to ensure that such steps are properly followed.

Consequently, the system uses sensors to monitor the progress of a fastener installation/torquing operation and creates interlocks that prevent the torquing operation to be performed out of sequence. Such sensors are recited in each of independent claims 1, 23 and 46. Signals from these sensors are used to restrict certain operations until a previously occurring process step has been performed. For example, each of claims 1, 23 and 46 recite that power is withheld from an installation tool until it is confirmed that certain process steps have been completed.

In claims 23 and 46, it is positively recited that "interlocks" are created to control the process steps. However, although claim 1 does not specifically recite the term "interlock," it should be realized that withholding power from the fastener installation tool until certain prior process steps have been completed is, in itself, an *interlock* that ensures that the torquing operation does not occur out of sequence. Claim 1 further recites that the system is provided with a system controller that monitors the process, and that the system controller is provided with data relating to individual steps of the process. This is necessary to monitor and ensure that the process steps are performed properly and in the correct order.

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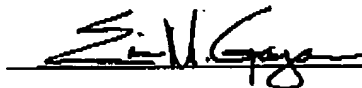
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Therefore, contrary to the Examiner's assertion, it would not be possible to practice the invention as claimed by hand (i.e., without monitoring and confirmation of process step completion) - as there would be no way to guarantee that the process was completed in the proper order. Similarly, the invention as claimed could not be practiced without employing sensors to monitor the process steps, and some sort of control device to receive and evaluate the signals from the sensors and to allow the process to continue as each successive process step is completed. As such, Applicant submits that claims 1-70 are properly examinable in this case and Applicant respectfully requests that the Examiner withdraw the restriction requirement.

Respectfully submitted,

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By: _____



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